

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
Wheeling**

**BRENT CLARK,**

Plaintiff,

v.

**Civil Action No. 5:21-CV-27**  
Judge Bailey

**UNITED STATES OF AMERICA,**

Defendant.

**ORDER**

Pending before this Court are Defendant's Motion to Strike Plaintiff's Expert Disclosure and Motion for Summary Judgment [Doc. 101] and plaintiff's Motion for Leave to Supplement Medical Expert Disclosure [Doc. 107].

Turning to the Motion for Leave to Supplement, inasmuch as no proposed disclosure was appended to the Motion, this Court construes the Motion as asking for leave to file the report previously filed in this case as Document 105. To the extent that the motion seeks leave to file the Supplemental Medical Expert Disclosure [Doc. 105], the plaintiff's Motion will be granted.<sup>1</sup>

Most, if not all, of the deficiencies which formed the basis of the Motion to Strike have been sufficiently remedied, especially given that the plaintiff is incarcerated and *pro se*. Accordingly, the defendant's Motion will be denied.

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<sup>1</sup> While the Government, in its opposition to the Motion, cited numerous cases concerning violations of a scheduling order, none of those cases dealt with a *pro se* incarcerated person.

For the reasons stated above, Defendant's Motion to Strike Plaintiff's Expert Disclosure and Motion for Summary Judgment [**Doc. 101**] is **DENIED**, and plaintiff's Motion for Leave to Supplement Medical Expert Disclosure [**Doc. 107**] is **GRANTED**.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record herein and to mail a copy to the *pro se* plaintiff.

**DATED:** August 16, 2022.



JOHN PRESTON BAILEY  
UNITED STATES DISTRICT JUDGE